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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 09/710,204 | 11/09/2000 | Jacobus C. Haartsen | 34650-00561USPT | 4592 |
| 23932 | 7590 | 01/25/2005 | EXAMINER | |
| JENKENS & GILCHRIST, PC | | | PIZARRO, RICARDO M | |
| 1445 ROSS AVENUE | | | ART UNIT | |
| SUITE 3200 | | | PAPER NUMBER | |
| DALLAS, TX 75202 | | | 2661 | |

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|----------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/710,204 | HAARTSEN, JACOBUS C. | |
| | Examiner | Art Unit | |
| | Ricardo Pizarro | 2661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36, 38-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8, 10-16, 18-36 and 38-71 is/are allowed.
- 6) ☒ Claim(s) 1 and 17 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

Finality of Office Action dated 8/21/04 is hereby withdrawn

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead'077 in view of Whitehead' 285.

US patent No. 5,732,077 (Whitehead) discloses resource allocation for wireless networks, comprising a system operable to use a ping-pong protocol in order to remain as flexible as possible during traffic allocation (col 5 lines 7-8), comprising a first unit (station 10, col 6 line 14, sender in Fig. 4) and a second unit (station 20, col 6 line 14, receiver in Fig, 4), wherein the first unit is operable to transmit a first packet (request packet send by station 10 towards station 20, col 6 line 18) including a first length indicator related to said packet towards the second unit (First ID in request message that includes Length ID, Send ID , Receive ID, Current power, col 6 lines 18-21), and wherein the second unit is operable to receive the first packet and then is operable to transmit a second packet (Permit packet send by station 20 towards station 10, col 6 lines 53-54) including a second length indicator related to second packet toward the first unit (Second ID in Permit packet that includes Length ID, Send ID ,Receive ID, Current power, col 6 lines 53-56), and where the timing of transmission of the second packet is

Art Unit: 2661

based on data of the first ID (first packet includes a first ID that includes Send and Receive ID related to transmission of the packet), as in claims 1 and 17.

Whitehead'077 did not specifically disclose timing of the transmission of the second packet based on the first packet length indicator, as in claims 1 and 17.

However Whitehead ' 285 disclose a Global packet dynamic resource allocation for wireless networks timing of the transmission of the second packet based on the first packet length indicator, as in claims 1 and 17 (Controller 13 maintains information for scheduling transmission of a corresponding packet such as length ID, col 6 lines 40-43, col 7 lines 45-46 and 53-54), as in claims 1 and 17.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the packet transmission timing as disclosed in Whitehead '285 to the system disclosed by Whitehead'077 to obtain dynamic resource allocation system with the motivation of obtaining a system for controlling quality of service in a packet-switched wireless telecommunications network

Allowable Subject Matter

2. Claims 2-8, 38-71 are allowed.

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Conclusion

3. Argument are moot based on the grounds for rejection. Finality of previous Final Action was withdrawn to correct involuntary error in previous Office Action.

Previous rejection was meant to be a 103 rejection instead on a 102 rejection.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-93106

(for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT")

Art Unit: 2661

Hand-delivered responses should be brought to 22- 20th Street S, Crystal Plaza Two, Lobby, Room 1B03, Arlington , VA 22202 (Customer window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is **(571) 272-3077**. The examiner can normally be reached on Monday-Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kenneth Vanderpuye** on (571) 272-3078.

1-18-05

Ricardo M. Pizarro


KENNETH VANDERPUYE
PRIMARY EXAMINER